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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/826,035 04/16/2004		Daniel Perreault	S63.2-10885-US01	9065	
490	7590 07/20/2005		EXAMINER		
•	RETT & STEINKRAI	CRANE, DANIEL C			
SUITE 2000			ART UNIT	PAPER NUMBER	
MINNETONE	CA, MN 55343-9185	3725			

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

				<del></del>			
Office Action Summary		Application No. 10/826,035		Applicant(s)			
				PERREAULT, DANIEL			
		Examiner		Art Unit			
		Daniel C. C		3725			
The MAILING DATE of this Period for Reply	communication app	oears on the	cover sheet with the c	correspondence add	dress		
A SHORTENED STATUTORY F THE MAILING DATE OF THIS C  - Extensions of time may be available under to after SIX (6) MONTHS from the mailing date.  - If the period for reply specified above, the.  - Failure to reply within the set or extended p Any reply received by the Office later than the earned patent term adjustment. See 37 CF	communication. the provisions of 37 CFR 1.1: of this communication. than thirty (30) days, a reply maximum statutory period veriod for reply will, by statute three months after the mailing	36(a). In no ever  y within the statut  will apply and will  a. cause the applic	nt, however, may a reply be tin ory minimum of thirty (30) day expire SIX (6) MONTHS from action to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).	mmunication.		
Status							
1) Responsive to communica	tion(s) filed on						
2a)☐ This action is FINAL.	<del>-</del>						
3) Since this application is in	and the formula with the formula with the properties on to the morte in						
Disposition of Claims							
4) ☐ Claim(s) <u>1-28</u> is/are pending 4a) Of the above claim(s) <u>1-13 and 21</u> is/are 6) ☐ Claim(s) <u>14-20 and 22-28</u> 7) ☐ Claim(s) is/are object 8 ☐ Claim(s) are subject	is/are withdrage allowed. is/are rejected. acted to.	wn from con					
Application Papers							
9) The specification is objected 10) The drawing(s) filed on Applicant may not request the Replacement drawing sheet(11) The oath or declaration is the specific transfer of transfer o	is/are: a)☐ acc at any objection to the s) including the correc	cepted or b)[ drawing(s) be tion is require	e held in abeyance. Se d if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CF	FR 1.121(d). FO-152.		
Priority under 35 U.S.C. § 119							
12) ☐ Acknowledgment is made a) ☐ All b) ☐ Some * c) ☐ I  1. ☐ Certified copies of t	None of:  the priority document  the priority document  ed copies of the prior  International Burea	ts have beer ts have beer prity docume au (PCT Rule	n received. n received in Applicat nts have been receiv e 17.2(a)).	tion No ed in this National	Stage		
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawin  3) Information Disclosure Statement(s) (Information Disclosure Statement)	ng Review (PTO-948)	)	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal 6) Other:	)ate	D-152)		

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### **BASIS FOR REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

### REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23 and 24 make reference to the method, however, they depend from apparatus claim 21. Accordingly, the subject matter has no antecedence and the scope of the claimed provisions is indeterminate. These claims have been examined as best understood.

#### REJECTION OF CLAIMS OVER PRIOR ART

Claim 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitesell (5,261,263) in view of Schrock (4,578,982). Whitesell illustrates the claimed apparatus in Figures 5 and 6 where the plurality of blades 18 are pivotally connected to a mount 26 and slidably constrained by blade constraining members 16. The apertures for the blade constraining members are slots 24. The mount 26 is manually operated. It is well known to the skilled artisan within this art to utilize motorized implements in place of a manual drive so as to eliminate the manual drive and provide greater operable features to the apparatus. Schrock

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shows this in Figure 3 where the mount 8 can be driven by a motorized drive device 16.

Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Whitesell's manually operated tool by utilizing a motor to drive the mount as taught by Schrock for the above noted motivation. The size of the chamber is dependent upon its particular use and would have been an obvious provision dictated by such use.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitesell (5,261,263) in view of either one of Putnam (5,411,521) or Johnson (1,480,077). Rotatably driven mounts by a geared assembly is know in the art as shown by either one of the secondary teachings, such drives simplifying the rotation of the mount and facilitating a more compact assembly. It would have been obvious to the skilled artisan at the time of the invention to have modified Whitesell's rotatable mount by using a geared drive of the type shown by either one of the secondary teachings for the above noted motivation.

Claims 22, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motsenbocker (6,629,350) in view of Whitesell (5,261,263). Motsenbocker discloses the well-known process for crimping a stent using a complex crimping apparatus. Whitesell shows a crimping tool having the capability of crimping stents. It would have been obvious to the skilled artisan at the time of the invention to have modified Motsenbocker's process by using a simple tool of the type shown by Whitesell so as to reduce the cost of the crimping operation. See Figures 5 and 6 of Whitesell. Whitesell's drive device is the handle of the tool.

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Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motsenbocker

(6,629,350) in view of Whitesell (5,261,263), as set forth in the preceding paragraph and further

in view of either one of Austin (6,823,576) or Kokish (6,840,081). It is known in the art to cool

the workpieces so as to facilitate crimping of the stent or the balloon catheter. Accordingly, it

would have been obvious to the skilled artisan at the time of the invention to have modified

Motsenbocker's process by further cooling the tool and workpiece using the concepts taught by

either one of Austin or Kokish for the noted motivation.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 1-13 and 21 are allowed.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

**RESPONSE BY APPLICANT(S)** 

Applicant(s) response to be fully responsive and to provide for a clear record must

specifically point out how the language of the claims patentably distinguishes them from the

references, both those references applied in the objections and rejections and those references

cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

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## **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane July 14, 2005 Daniel C. Crane

Primary Patent Examiner Group Art Unit 3725